

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	3:CR-18-0097
	:	
v.	:	(Judge Mariani)
	:	
ROSS ROGGIO	:	(Electronically filed)

ROGGIO'S MOTION IN LIMINE
SEEKING ADMISSION OF EVIDENCE
TESTIMONY OF AMANDA MECOMBER

AND NOW comes the Defendant, Ross Roggio, by his attorney, Gino Bartolai, Esquire, and files the following Motion in Limine, and in support thereof avers the following:

1. On March 20, 2018, Roggio was charged in an Indictment with conspiracy to commit an offense against the United States, in violation of Title 18, United States Code, Section 371; violations of the Arms Export Control Act, Title 22, United States Code, Sections 2778(b) and (c); and the International Emergency Powers Act, Title 50, United States Code, Sections 1702 and 1705(c); smuggling goods from the United States, in violation of Title 18 United States Code Sections 554 and 2; wire fraud, in violation of Title 18, United States Code Section 1342; and money laundering, in violation of Title 18 United States Code, Sections 1956(a)(2)(A) and 2.

2. On March 23, 2018, Roggio appeared before Magistrate Judge Karoline Mehalchick for an initial appearance and arraignment and entered a plea of not guilty to the charges.

3. On February 15, 2022, Roggio was charged in a Superseding Indictment with two additional charges; Conspiracy to Commit Torture in violation of Title 18, U.S.C. Sections 2340 and 2340A (c), and Torture in violation of Title 18, U.S.C. Sections 2340, 2340(A)(a) and 2.

4. On February 17, 2022, Roggio was arraigned before Magistrate Judge Joseph F. Saporito on the Superseding Indictment and entered a plea of not guilty.

5. Trial in this matter is presently scheduled for May 8, 2023.

6. On April 26, 2023, the Government produced a three page document dated April 24, 2023, authored by FBI Special Agent O'Donnell, which purports to document the timeline of events associated with actions taken by US Consulate General Officers to include the Assistant Legal Attache (ALAT) Baghdad at Erbil, Iraq during the captivity of Ross William Roggio. (The document has been marked as Exhibit A and has been filed under seal in support of this motion).

7. According to the FBI document, on December 17, 2016, the U.S. Consulate General in Erbil was notified by the ex-wife of Roggio, Amanda Mecomber, that Roggio was being held against his will in Sulamaniyyah Iraq by Lahore Talibani. Mecomber again contacted the U.S. Consulate in Erbil on

February 14, 2017, and advised that Roggio was still being held against his will by Lahore Talibani and that he had until February 18, 2017, to return \$4,000,000 to Lahore or he would be killed.

8. According to the FBI document, on February 18, 2017, the FBI received photographs and videos that Mecomber had received from Roggio wherein Roggio stated that he was being held by Lahore Talibani, that he had been working on an unnamed project for Lahore and that auditors had accused Roggio of defrauding Lahore of four million dollars and that the claims were false.

9. According to the FBI document, on February 20, 2017, FBI Charlotte forwarded images from Mecomber's phone wherein a "Kadir" was demanding money for Roggio's release.

10. Roggio submits that the testimony of Mecomber can authenticate the photos and videos of Roggio received by Mecomber and forwarded to the FBI.

11. Roggio submits that the testimony of Mecomber is also relevant to Roggio's claims of duress.

WHEREFORE, the Defendant, Ross Roggio, respectfully requests that this Honorable Court should admit the testimony of Amanda Mecomber at Roggio's trial.

Respectfully submitted,

Date: May 4, 2023

s/Gino Bartolai
Gino Bartolai, Esquire
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Attorney for Ross Roggio

CERTIFICATE OF NON CONCURRENCE

I, Gino Bartolai, Esquire, certify that on this date I contacted Todd K. Hinkley, Assistant United States Attorney, who advised that he does not concur in the within Motion in Limine.

Date: May 4, 2023

s/Gino Bartolai
Gino Bartolai, Esquire

CERTIFICATE OF SERVICE

I, Gino Bartolai, Esquire, do hereby certify that I electronically served, via e-mail, a copy of the foregoing **Motion in Limine**, to the following

Todd K. Hinkley, Esquire
Assistant United States Attorney

and by placing the same in the United States mail, first class, postage prepaid, at Scranton, Pennsylvania, addressed to the following:

Ross Roggio

Date: May 4, 2023

s/Gino Bartolai
Gino Bartolai, Esquire